

and that we would do what is necessary to root out the hateful individuals who unflicted such loss on our citizens.

Part of our responsibility was to reach out on a bi-partisan basis and give the American people our best. The work product that was produced by our Judiciary Committee was an example of giving our best. Thirty-six widely disparate men and women under the leadership to Chairman SENSENBRENNER and Ranking Member CONYERS have perhaps the widest array of opinions found on any committee in the House. Yet they were able to come together unanimously with a balanced, well thought-out measure that could serve as a focal point for the House of Representatives. This work product of our committee system was swept aside by the House Republican leadership. At the last minute we received a 175-page substitute, without the opportunity for any amendments.

This is not a question that needs to be decided by a partisan power play. The American public cares about rooting out the terrorist elements in our country and everywhere else. They have every reason to expect that the rights of the American public will be respected. A few days or even a few hours of work could have achieved that objective. I will vote against the bill because I reject the notion that in these times of crisis, the legislative process can not work, that partisanship must prevail over the openness and strength of America's democratic system.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NADLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 205, not voting 10, as follows:

[Roll No. 382]

YEAS—216

Abercrombie	Buyer	Deal
Akin	Callahan	DeLay
Armey	Calvert	DeMint
Bachus	Camp	Deutsch
Baker	Cannon	Diaz-Balart
Ballenger	Cantor	Doolittle
Barr	Capito	Dreier
Bartlett	Castle	Duncan
Bass	Chabot	Dunn
Bereuter	Chambliss	Ehlers
Biggert	Coble	Ehrlich
Billirakis	Collins	Emerson
Boehlert	Combest	English
Boehner	Cooksey	Everett
Bonilla	Cox	Ferguson
Bono	Crane	Flake
Brady (TX)	Crenshaw	Fletcher
Brown (SC)	Cubin	Foley
Bryant	Culbertson	Forbes
Burr	Davis, Jo Ann	Fossella
Burton	Davis, Tom	Frelinghuysen

Galleghy	LaHood	Ryan (WI)
Ganske	Largent	Ryun (KS)
Gekas	Latham	Saxton
Gibbons	LaTourrette	Schaffer
Gilcrest	Leach	Sensenbrenner
Gilman	Lewis (CA)	Sessions
Goode	Lewis (KY)	Shadegg
Goodlatte	Linder	Shaw
Goss	LoBiondo	Shays
Graham	Lucas (OK)	Sherwood
Granger	Maloney (CT)	Shimkus
Graves	Manzullo	Shows
Green (WI)	McCrery	Shuster
Greenwood	McInnis	Simmons
Grucci	McKeon	Simpson
Gutknecht	Mica	Skeen
Hall (TX)	Miller, Gary	Smith (MI)
Hansen	Moran (KS)	Smith (NJ)
Hart	Morella	Smith (TX)
Hastert	Myrick	Souder
Hastings (WA)	Nethercutt	Stearns
Hayes	Ney	Stump
Hayworth	Northup	Sununu
Hefley	Norwood	Sweeney
Herger	Nussle	Tancredo
Hilleary	Osborne	Tauzin
Hobson	Ose	Taylor (NC)
Hoekstra	Otter	Terry
Horn	Oxley	Thomas
Hostettler	Pence	Thornberry
Houghton	Peterson (PA)	Thune
Hulshof	Pickering	Tiahrt
Hunter	Pitts	Tiberi
Hyde	Platts	Toomey
Isakson	Pombo	Trafigant
Issa	Portman	Upton
Istook	Pryce (OH)	Vitter
Jenkins	Putnam	Walden
Johnson (CT)	Quinn	Walsh
Johnson (IL)	Radanovich	Wamp
Johnson, Sam	Ramstad	Watkins (OK)
Jones (NC)	Regula	Watts (OK)
Keller	Rehberg	Weldon (FL)
Kelly	Reynolds	Weldon (PA)
Kennedy (MN)	Riley	Weller
Kerns	Rogers (KY)	Whitfield
King (NY)	Rogers (MI)	Wicker
Kingston	Rohrabacher	Wilson
Kirk	Ros-Lehtinen	Wolf
Knollenberg	Roukema	Young (AK)
Kolbe	Royce	Young (FL)

NAYS—205

Ackerman	DeGette	Kaptur
Allen	Delahunt	Kennedy (RI)
Andrews	DeLauro	Kildee
Baca	Dingell	Kilpatrick
Baird	Doggett	Kind (WI)
Baldacci	Dooley	Klecicka
Baldwin	Doyle	Kucinich
Barcia	Edwards	LaFalce
Barrett	Engel	Lampson
Becerra	Eshoo	Langevin
Bentsen	Etheridge	Lantos
Berkley	Evans	Larsen (WA)
Berman	Farr	Larson (CT)
Berry	Fattah	Lee
Bishop	Filner	Levin
Blagojevich	Ford	Lewis (GA)
Blumenauer	Frank	Lipinski
Bonior	Frost	Lofgren
Borski	Gephardt	Lowe
Boswell	Gonzalez	Lucas (KY)
Boucher	Gordon	Luther
Boyd	Green (TX)	Maloney (NY)
Brady (PA)	Gutierrez	Markey
Brown (FL)	Hall (OH)	Mascara
Brown (OH)	Harman	Matheson
Capps	Hastings (FL)	Matsui
Capuano	Hill	McCarthy (MO)
Cardin	Hilliard	McCarthy (NY)
Carson (IN)	Hinche	McCollum
Carson (OK)	Hinojosa	McDermott
Clay	Hoeffel	McGovern
Clayton	Holden	McIntyre
Clement	Holt	McKinney
Clyburn	Honda	McNulty
Condit	Hooley	Meehan
Conyers	Hoyer	Meek (FL)
Costello	Inslee	Meeks (NY)
Coyne	Israel	Menendez
Cramer	Jackson (IL)	Millender
Crowley	Jackson-Lee	McDonald
Cummings	(TX)	Miller, George
Cunningham	Jefferson	Mink
Davis (CA)	John	Mollohan
Davis (FL)	Johnson, E. B.	Moore
Davis (IL)	Jones (OH)	Moran (VA)
DeFazio	Kanjorski	Murtha

Nadler	Rodriguez	Stenholm
Napolitano	Roemer	Strickland
Neal	Ross	Stupak
Oberstar	Rothman	Tanner
Obe	Roybal-Allard	Tauscher
Olver	Rush	Taylor (MS)
Ortiz	Sabo	Thompson (CA)
Owens	Sanchez	Thompson (MS)
Pallone	Sanders	Thurman
Pascarell	Sandlin	Tierney
Pastor	Sawyer	Turner
Paul	Schakowsky	Udall (CO)
Payne	Schiff	Udall (NM)
Pelosi	Scott	Velazquez
Peterson (MN)	Serrano	Visclosky
Petri	Sherman	Waters
Phelps	Skelton	Watson (CA)
Pomeroy	Slaughter	Watt (NC)
Price (NC)	Smith (WA)	Waxman
Rahall	Snyder	Weiner
Rangel	Solis	Woolsey
Reyes	Spratt	Wu
Rivers	Stark	Wynn

NOT VOTING—10

Aderholt	Gillmor	Towns
Barton	McHugh	Wexler
Blunt	Miller (FL)	
Dicks	Schrock	

□ 1216

Mr. HOLDEN, Mrs. JONES of Ohio, and Mr. MEEKS of New York, changed their vote from "yea" to "nay."

Mr. TAUZIN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHROCK. Mr. Speaker, today I was in my district attending the memorial service for the victims of the USS *Cole*, which was attacked by terrorists on October 12, 2000. As a result, I missed rollcall vote 382. Had I been present, I would have voted "yea" on this rollcall vote.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Monahan, one of its clerks, announced that the Senate has passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 68. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

H. Con. Res. 204. Concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Week.

The message also announced that the Senate has passed a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 25. Joint resolution designating September 11 as "National Day of Remembrance".

PROVIDING FOR CONSIDERATION OF H.R. 2975, PATRIOT ACT OF 2001

Mr. DIAZ-BALART. Mr. Speaker, by direction on the Committee on Rules, I call up House Resolution 264 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 264

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in

the House the bill (H.R. 2975) to combat terrorism, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 3108 shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York (Ms. SLAUGHTER), my dear friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 246 is a closed rule providing for the consideration of H.R. 2975, the Provide Appropriate Tools Required to Intercept and Obstruct Terrorism bill, or the PATRIOT bill for short.

House Resolution 264 provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule also provides an amendment in the nature of a substitute consisting of the text of H.R. 3108 shall be considered as adopted.

The rule waives all points of order against the bill, as amended.

And finally, House Resolution 264 provides for one motion to recommit, with or without instructions.

As I stated before, Mr. Speaker, this is a closed rule which will allow for expedited consideration of the critical issue before the Congress today.

Mr. Speaker, the United States is at war. The American people have been attacked on our own soil by evil men who have learned to skirt many of our laws that are designed to protect Americans. The underlying legislation has been crafted to give our Nation's law enforcement officials additional necessary tools for the war on terrorism. We must do everything within our power so that the events of September 11 never again happen.

It is no secret, Mr. Speaker, that there are some Members of this body who are displeased with the legislation before us because they consider that it goes too far. I can assure my colleagues, Mr. Speaker, that there are many Members of Congress who believe that this legislation does not go far enough.

We have heard a number of them on the floor today. The gentleman from New York (Mr. SWEENEY), the gentleman from Florida (Mr. DEUTSCH),

the gentleman from Delaware (Mr. CASTLE), and others.

This bill reflects the essence of compromise. The gentleman from Wisconsin (Mr. SENSENBRENNER) and other members who have crafted this critical legislation, legislation which is similar to the Senate bill, that it passed last night, will give the President of the United States and various law enforcement departments and agencies tools needed to wage an effective campaign against terrorism in the wake of the September 11 terrorist attacks.

We will have ample opportunity during this coming hour of debate on this rule as well as the subsequent debate on the underlying legislation to bring out the details of the legislation. At this initial point, Mr. Speaker, what I would like to do is urge my colleagues to join me in passing this rule so that the House may proceed quickly to consider the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague from Florida for yielding me the customary half an hour.

Mr. Speaker, I rise in strong opposition to this closed rule and to the underlying legislation. While all of us understand the need to give law enforcement the tools it needs to combat terrorism, the bill goes too far. In the name of protecting Americans, it eats away at some of our most cherished freedoms.

The events of September 11 are etched in all of our hearts and minds. Last week, I attended services for two constituents who were lost at the World Trade Center, a 52-year-old businessman and a 28-year-old consultant. Both had long, fulfilling lives ahead of them, and both were innocent victims of terror.

We have to track down the perpetrators of these heinous crimes and ensure such atrocities can never be repeated. In order to do so, Congress is prepared to give the law enforcement community unprecedented powers to engage in surveillance, wiretapping, and collection of evidence.

At the same time, however, we must balance the need to pursue terrorists against the need to protect the civil rights of law-abiding Americans. On September 19, Attorney General John Ashcroft outlined his proposal to combat terrorism. Since that time, the Committee on the Judiciary majority and minority staffs have been working nonstop, including weekends, to develop compromise language that would accommodate many of the administration's requests.

On Monday, October 1, the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from

Michigan (Mr. CONYERS), the ranking member, announced an agreement on a compromise bill. The bill was reported unanimously by the Committee on the Judiciary by a vote of 36 to 0.

At that time, the leadership of both sides of the aisle wisely refused to be stampeded into abandoning civil liberties by approving the proposals that the administration hastily pulled together last month. This was Congress at its best. The underlying bill demonstrated bipartisan resolve in response to a Nation in crisis.

Unfortunately, that bipartisan bill has now been abandoned in favor of an extreme proposal that threatens the civil rights of all Americans. The bill presented in the House today contains a variety of provisions that, at any other time and place, would never receive serious consideration in this Chamber. Only the current crisis is persuading Congress to throw caution and civil rights to the wind.

As a result, some of the most important compromises developed in the committee process have been renounced. Under the new bill, our own citizens can be wiretapped by the CIA. Immigrants can be deported for donating money to groups they did not know were linked to terrorism. The government can introduce information obtained from illegal wiretaps in court; and significant new restrictions are placed on the disclosure of information from grand jury proceedings, changes which were made with no input, there was no decisions given by Federal judges, by the lawyers, by any members of the bar as to the constitutionality and the fitness of these changes, and perhaps most critically, the 2-year sunset provision was deleted.

The bill essentially allows changes to stand for 5 years before Congress has any obligation to review them. If we are truly concerned about the civil rights of our constituents, surely we should not allow 5 years to lapse before exercising oversight over these expanded powers.

The Members of this Chamber need to understand that the bill before us today is no longer just about terrorism. These sweeping new powers can be used in the pursuit of any criminal case against any American citizen or immigrant.

No one doubts that we and our constituents are at risk for further attacks. Law enforcement, as I said, needs to have the tools to confront this new threat. Included in this bill are worthy provisions from the administration's proposal. For example, the bill would let the government seek court approval to place a wiretap not just on a particular phone but on a person, regardless of which phone they will use. But these positive provisions are tainted by the inclusion of unnecessarily broad proposals that will erode the civil rights of all Americans.

Given the opportunity, Members of the House could mitigate some of the

most problematic provisions of this bill. However, we are being denied that opportunity. The closed rule allows no amendments to the civil rights bill of this generation.

We cannot fight terrorism by destroying those very things that make our Nation special. If we are going to cut into civil rights laws, we should use a scalpel, not a scythe. I urge my colleagues to oppose this closed rule and to vote against the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I rise in support of the rule. Although I would have preferred an open rule, I think that there is one glaring hole in this legislation. It is an antiterrorism piece, but we are not dealing with the greatest source of right now. We are not dealing with immigration in any meaningful sense.

We ought to be strengthening the process that we have to issue visas. We have introduced legislation. We had an amendment to go on this bill, the gentleman from Delaware (Mr. CASTLE) and myself, which would have tightened that process. It would have also tightened the process by which we screen people currently in the country.

We found out yesterday that of the 19 terrorists who were here in the country, 10 of them were here legally. Three of them had overstayed their visas, and 6 of them we had no clue where they came from or how they got here. That is unacceptable, and it would have been good to deal with as part of this bill. If we cannot, and the rule is closed so we will not, we need to deal with that separately.

□ 1230

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, in light of the great confusion and dissatisfaction about the process that has led us to this point on the pending measure covered by the proposed rule, it seems to me that we ought rather to be spending our time dealing with aviation security.

If we defeat the motion on the previous question, it will be the purpose of the minority side to bring up the Transportation Security Enhancement Act of 2001, which has been drafted largely in cooperation with the Republican majority on our committee, but with some significant differences.

One of those key differences has to do with how screening is performed at the Nation's airports. Let me put this in context because the screener issue has been very largely overstated and not stated in the context of overall aviation security.

First, what we would propose to do, and we have done this in agreement

with the majority on our committee, is establish a transportation security administration within the Department of Transportation; and this approach differs significantly from the bill which just last night passed the other body on a vote of 100 to zero, to elevate security to all modes of transportation to the level of an Under Secretary of Transportation so that all modes would be considered concurrently; transfer all aviation security functions to the Transportation Security Administration except for air marshals which would stay, as they always have been, within the FAA; designate this Under Secretary to be the primary liaison to intelligence and law enforcement communities; allow the Secretary to develop the regulations to carry out the security functions.

Mr. Speaker, under this general regulatory authority, because we are dealing in an area of urgency and of national significance, the Under Secretary would consider the costs, but not be required to undertake the usual time-consuming cost benefit analysis which places a monetary value on human life and has regularly been the subject of airline interference and dragging out the regulatory process when it comes to safety and security.

We would consider the costs, but not be bogged down by a regulatory process which holds up rules literally for years; permits this Under Secretary to issue emergency rules or security directives without cost-benefit analysis, but opportunity for comment; create a transportation security oversight board consisting of the Secretary of Transportation, the Attorney General, the Secretary of the Treasury, the Secretary of Defense, and a representative of the Office of Homeland Security.

Further, to require the President to begin a review of whether security should be conducted within the Department of Transportation as we proposed in the legislation, or whether the President on his counsel should transfer that function to another Department or office.

The key to this is the status of those who perform security at the Nation's airport security checkpoints. This has been the Achilles' heel of aviation security.

The screener workforce I distinguish from functions that are performed by airlines. There are airline responsibilities in aviation. There are airport responsibilities in aviation, and there is a national security responsibility in aviation.

I make that distinction based on my experience from 11 years ago in the aftermath of the Pan Am 103 crash when I was a member of a Presidential commission on aviation security. It was called the Pan Am 103 Commission. We recommended that there be a comprehensive security effort on all of aviation and that security should be seen as a matter of national responsibility.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in support of this rule. I highlight one key provision in this bill. I note that no provision in this bill lasts more than 5 years. There is one key section, section 502, regarding the State Department rewards program, and the public should know there is already a \$5 million reward out for the arrest of Osama bin Laden. This program has been very successful in the past and has led to charts like this, showing the results of the United States embassy bombing outside our embassy in Kenya in which 12 Americans and 300 Kenyans and Tanzanians were killed.

It is this program which led to the arrest of Mr. Kansi, who led the attack against CIA employees outside that agency, and also many Yugoslav war criminals.

The underlying bill which will be supported by this rule gives Secretary Powell the authority to raise the amount for a reward for a terrorist up to \$15 million. I introduced legislation along with the gentleman from Illinois (Mr. HYDE), the gentleman from New York (Mr. GILMAN), and the gentleman from California (Mr. LANTOS), H.R. 2895, to raise the full amount for the rewards program to \$25 million.

Secretary Powell has already mentioned this State Department rewards program and the \$25 million figure in his public diplomacy. This bill and subsequent appropriations are a first step to dramatically enhancing the State Department's rewards program, and I think it should receive the support of this House.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, our Founding Fathers created the Bill of Rights not so they would be there in easy, convenient times; but so they would be enforceable in tough times. This is one of those tough times.

We have had a bipartisan bill developed in the Committee on the Judiciary, and Members have been able to ask questions about that for a number of days. We were all feeling pretty comfortable with it.

But now in a last ditch action, that bill has essentially been thrown out and now we have a back-room quick fix going on, and I venture to say that virtually no one in this Chamber outside of perhaps a few people on the committee have any idea what is in the bill. Why should we care? It is only the Constitution. It is only individual liberty at stake.

Mr. Speaker, we have a 140-page bill coming at us. There is no section-by-section analysis, so we do not have any idea what is in the bill. We are going to be asked to vote blind, and we will be blind. This bill ought to be delayed until Monday. Instead, what we ought to have on the floor right now is the

bill that passed the Senate 100 to nothing on airline security. That is what ought to be on this floor right now.

It has been one full month since the disastrous events of September 11; and yet because of the hang-ups that a few people in this institution have about the size of government, we cannot get to the floor a bill that would federalize and professionalize the airport inspection service. That is harebrained. It is wrong.

Mr. Speaker, that legislation ought to come first. We ought to bring that bill up here on the floor now. That would speed the day when we do have airline security, and it would give us more time on a bipartisan basis to analyze what is actually in this bill. I am sure there are many good things in the bill. That is not the question.

The question is if you are defending liberty, and we have a responsibility each and every one of us to do that, the question is to know what is in the detail. The devil is in the detail. The Constitution is there not to protect bad people, but to protect every innocent American.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise in favor of the rule and the bill with some understanding about commitments that I have from our House leadership.

I am speaking here today as a representative of a district that lost more than 100 constituents in this terrible tragedy at the World Trade Center. I want to deal with it in a realistic way and a sure way so we can avoid this happening again. But I must say that as much as I support this bill, we will be making a mockery out of these reforms if we do not have a companion piece, if not in this bill, then a companion piece that deals with illegal money laundering and bulk cash smuggling.

There is every reputable authority, whether it is the FBI or other international organizations which are authorities on terrorists, which have identified bulk cash smuggling and money laundering as a system for financing terrorists around the globe. We cannot have true reform unless that is prevented.

Now, yesterday the Committee on Financial Institutions passed out an excellent bill, and I believe we will be voting for the rule and the bill with the understanding that we have a firm commitment from our House leadership that they will expedite the consideration of the bulk cash smuggling and money laundering bill, and that we will have it on the floor next week.

Mr. Speaker, we have to make this first giant step, but then put the foundation of the reforms in with the bulk cash smuggling and money laundering legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, this is one of those moments when we are truly tested. Can we rise to the call to defend our country and at the same time have the wisdom and courage to do it in a way that is true to the principles that make our country unique among the family of nations?

I was one of the 36 members of the Committee on the Judiciary who joined together in unanimous support for the bill reported out of committee; and our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the ranking member, the gentleman from Michigan (Mr. CONYERS), worked tirelessly with members on both sides to strike a proper balance between national security and the values of a free society. They did this House, they did the committee, and they did the Nation a great service; and they do deserve our gratitude.

Unfortunately, that carefully crafted bill is not the measure we are going to consider today. This morning, as others have said, the Committee on Rules replaced it with a new 187-page bill which nobody had the time to even peruse. While it appears to retain some features of the original bill, it apparently modifies or eliminates a number of the compromises which enabled us to come to that consensus.

Just one example: it makes a dramatic departure from American criminal jurisprudence by allowing the sharing of grand jury evidence without a court order. History has taught us that sweeping new powers, once given to the Government, are prone to abuse. Remember, too often in times of crisis our government has sacrificed essential liberties to claims of national security. The Alien Sedition Acts, the suspension of habeas corpus during the Civil War, the internments of the Second World War and the "red-baiting" by the McCarthy and the House un-American Activities Committee.

Today everyone deplores those excesses, but we must not forget that decent, patriotic Americans acquiesced in those measures under the pressures of the moment.

□ 1245

I am not claiming that this bill falls into that category. What I am saying is that we should be willing to pause to reflect and examine exhaustively the provisions in light of that experience in the bill before us today so that unintended consequences can be corrected and any potential abuses that arise from our actions can be discovered and addressed. We have not done that today. I suggest if we proceed and do not defeat this rule, that we will have failed in our responsibility to the Constitution and to the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in opposition to this closed rule and the underlying bill before us, H.R. 3108, a bill that we have just learned about a couple of hours ago. There are glaring deficiencies in this bill, and the action today is an affront to the Members who serve on the Committee on the Judiciary who passed a bill out in that committee 36-0.

I was willing, Mr. Speaker, to vote on that bill, H.R. 2975, and had an amendment that required the Secretary of Transportation to consult with all Federal departments and agencies to conduct an assessment of terrorist-related threats to all modes of public transportation. We have heard from the ranking member of the Committee on Transportation and Infrastructure. We need an aviation security bill on this floor. We do not need bills that have come to us in the cloak of night that will circumvent us from really giving the confidence to the American people, a bill that they deserve.

Mr. Speaker, we should not move forward with this legislation that infringes on the civil rights of this country and would not adhere to the Committee on the Judiciary members who did give us a bill, H.R. 2975, that we could have voted on.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise in opposition to this bill. We must bring terrorists to justice and make our country safe, but we must not sacrifice our Constitution in a mad rush to rewrite our laws in the middle of the night. This is one of the most important bills we will address this year, but we have not had a chance to even read the bill. The Committee on the Judiciary unanimously passed an antiterrorism bill that has all but disappeared. This is not the way to make laws.

This bill expands the scope of surveillance powers far beyond the scrutiny of suspected terrorists. We hear that intelligence sharing will not be limited to those suspects. We cannot once again go down this path. African Americans have very clear memories of how civil liberties have been warped before through illegal surveillance and the COINTEL program. Dr. Martin Luther King, Jr., a man who preached peace, was wiretapped by the FBI.

We must move carefully. We must avoid the pitfalls of racial profiling. Arab Americans and Muslims must not become government targets because of their race or faith. We cannot let terrorists rewrite our Constitution. We must think about the consequences of our actions.

I urge this body to oppose the rule and oppose the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to the rule. By voting on the exact language

reported out of the other body, we would effectively negate the hard work and thoughtful input of the entire House of Representatives. As a New Yorker, I am appalled that the provision increasing the funding for the fallen public safety officers is not included. The bill does not include the expedited implementation of the Student and Exchange Visitor Information System which would help ensure that student visas do not become passports for terrorists. The sunset provision has been eliminated.

Finally, I want to emphasize that any final terrorism package must address illegal money laundering, and this bill does not include the federalization of airport security which is needed deeply in this country. In developing the best possible bill to combat terrorism, the House should advocate, not abrogate on their responsibility.

I urge a "no" vote on both sides of the aisle.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary and the principal architect of this legislation in the House.

Mr. SENSENBRENNER. Mr. Speaker, we have heard a lot of complaints about process from the other side of the aisle and a lot of those complaints are really misdirected.

First, the bill that will be considered as the text, once we get to it, has been out there for over a week. It is the text that was introduced in the Senate by the Democratic leader of the Senate, the Senator from South Dakota (Mr. DASCHLE). A version of the bill passed the Senate last night by a vote of 96-1, with only one Senator voting against it. So no one should be surprised at what was in the text of the Senate-passed bill.

The difference between the Senate-passed bill and what I hope we will be considering after this rule passes is that the negotiations over the last 48 hours have taken provisions in the Senate-passed bill out, and they will not be considered in the context of the substitute amendment that is contained in this self-executing rule. What has been placed into the Senate-passed bill were ideas that were either adopted by the Committee on the Judiciary when we marked up H.R. 2975 or modifications that were suggested by both majority party members and minority party members. So there should be no surprise because those modifications have been suggested and shared with both sides of the aisle on the committee.

Given the fact that we are really not dealing with new ideas here and we are dealing with ideas that have been out on the table for at least a week, either in this body or the other body, the question comes, when are we going to vote on an antiterrorism bill? This rule allows us to vote on the antiterrorism bill today, like the other body voted on the antiterrorism bill last night.

We should get on with the legislative process. We should get this legislation through the Congress and on the President's desk as soon as possible so that law enforcement will have the tools to track down those that are planning future acts of terrorism in the United States and to keep them off balance. The time to vote is now, and the way to get us to a vote is by voting for this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. I thank the gentlewoman from New York for yielding time.

Mr. Speaker, let me ask my colleague with whom I have labored for weeks now on this bill. We have reported by a unanimous vote on the Committee on the Judiciary, something that I cannot ever remember happening before, but it is my understanding that this bill, whatever the product is, and the Senate bill voted out last night will go to conference.

Is that the understanding of my colleague and friend, the chairman of the Committee on the Judiciary?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. If the Senate disagrees with the House amendment, I assume it will go to conference. I would hope that for once the Senate would think that we got it right and pass the bill unamended and let the President then do his thing.

Mr. CONYERS. I would say to my colleague that it is highly unlikely, if not impossible, that we are going to report out a bill here today that will be the same as what the Senate did last night. That is not going to happen. So I will be anxiously waiting to see what our leadership does in terms of making sure we have a conference. That is the purpose of this dialogue.

Mr. SENSENBRENNER. The staff of the distinguished gentleman from Michigan, with whom it has been a pleasure to work, gave several suggestions on how to amend the Senate bill to my staff, many of which are incorporated in the amendment in the nature of a substitute, the most important of which is a 3-year sunset with a 2-year extender which was the idea of the gentleman from Michigan and was a good one and is incorporated in the self-executing amendment.

Mr. CONYERS. I am happy about this great coordination between staffs, but I want a conference, and staffs do not control conferences. Let us look at where we find ourselves.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, in the Revolutionary War, 4,435 Americans died. In the Civil

War, 140,000 Union forces; Confederate figures are not readily available. World War I, 53,000. World War II, 291,000. Antietam, one battle, 4,032 Americans died. Gettysburg, 7,058 soldiers died.

I believe that these brave Americans died not just to keep us free from foreign invaders or foreign forces, I believe that these brave people went into battle and many of them died so that we could protect our liberties at home. Last night I was with a small group of Marines. They asked me to facilitate their transfer to a combat unit. I said I would do that. The best I could do last night was to buy them a beer and offer to do that.

Today, it is my job to seek an additional 3 hours, to seek an additional 3 days, to seek a few more days when it has already been 30 days since the attack, so that we can produce a better product to honor all those who came before us and gave deep sacrifice, and, many of them, the ultimate sacrifice, so that we can enjoy the civil liberties that we have today. We dishonor all those who have fought for America by panicking in this moment.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I oppose the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. RUSH).

(Mr. RUSH asked and was given permission to revise and extend his remarks.)

Mr. RUSH. I want to thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise in opposition to the bill that is before us and to this closed rule.

From the very beginning, there has been little idea as to what this bill even looks like. This is outrageous, and this is dangerous.

Mr. Speaker, I cannot forget the abuses of the fourth amendment by Federal agencies in the not so distant past.

Mr. Speaker, it is an indisputable fact that during the 1970s, the FBI kept information in its files covering the beliefs and activities of at least 1 in every 400 Americans. It is a fact that the FBI Director, J. Edgar Hoover, created the COINTEL program whereby they spied on and violated the constitutional rights of thousands of American citizens. It is a fact that during the 1960s, the U.S. Army created files on about 100,000 civilians. It is a fact that between 1953 and 1973, the CIA opened and photographed almost 250,000 first class letters within the United States, and from these photographs it created a database of over 1.5 million names.

Mr. Speaker, it is a fact that great Americans, such as Dr. Martin Luther King, Jr. were subjected to illegal and

frivolous wiretaps by the FBI. And, Mr. Speaker, it is a fact that amongst the most absurd Federal wiretaps have been those extended to Members of Congress.

Mr. Speaker, temporary or not, this is very dangerous ground that we are treading on; and without a balanced, open and fair process, I feel that we may not be living up to the promise that all Americans have made to preserve the things which make America great. I fear that we may be returning to the dark days of McCarthyism and Hooverism.

Mr. Speaker, I oppose the rule and the underlying bill.

□ 1300

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, my appeal at this point is for us to consider whether we want to adopt the rule. Let us set aside the question of the underlying bill and all the problems it generates.

What about the rule? No amendments, one substitute. Is that the way we really want to pass on the most comprehensive, sweeping law enforcement extending legislation coming out of the Committee on the Judiciary for years and years? I think not. For those reasons, I would ask that we consider sending it back to the distinguished committee from which it came.

Why? Well, there is no money laundering discussion. There is no provision for money laundering in the bill that is in the House. What are we to do? Are you going to ask us to do this in conference, or should we not have some approach toward this very serious international question that the administration itself has spent a great amount of time dealing with and pointing out its relationship to terrorism, to drug running and illegal financing of activities around the world, and especially in this country?

So I ask Members to consider this.

Now we have the sunset provision. Well, we have got a modified sunset provision. We need not go beyond 2 years. Let us just talk about this plain out. We need to examine that. That is what the Committee on the Judiciary bill, with equal numbers of Republicans and Democrats, voted out only 3 days ago.

Ms. SLAUGHTER. Mr. Speaker, could I inquire how much time we have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from New York (Ms. SLAUGHTER) has 5 minutes, and the gentleman from Florida (Mr. DIAZ-BALART) has 20 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of the rule and the PATRIOT Act of 2001.

Mr. Speaker, as a member of the House Committee on the Judiciary, I was honored to participate in the creation of a historic bipartisan compromise bill that emerged unanimously from the Committee on the Judiciary by a vote of 36 to 0. I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) for his extraordinary leadership on what is typically one of the most divisive committees on Capitol Hill. I also would commend the chairman for his collective wisdom in negotiating a compromise that we could bring to the floor today to enable the authorities of the United States of America to do the job that the American people expect them and count on them to do.

Mr. Speaker, because of the attacks of September 11, and with the events that are scrolling across television screens in America at this very hour, Congress should act now, today, to empower our law enforcement authorities to protect our citizens.

Compromises have to be made. Increased safety and security will require sacrifices for the American public. Airline customers are subjected to more intrusive questioning. Aliens suspected of terrorism will be detained for longer periods of time.

But these compromises, Mr. Speaker, I want to emphasize, do not represent an infringement on the constitutional rights of American citizens. Many of the expanded powers here, as we know, are sunsetted 3 years and extended 5 years to be reviewed that they might not be permanent once this time of trial passes.

As we proceed into this debate and ultimately a vote today on this anti-terrorism package, it is absolutely necessary that the American people know that the updated wiretapping laws, the enhanced information-sharing laws are not the real threat to the American public or to the Constitution. Terrorists are. It is the terrorist criminals, who respect no law and no constitution, who threaten our way of life.

I urge my colleagues to support the adoption of this bill to give our law enforcement authorities the ability to protect our freedoms and preserve our way of life.

May America arise and its enemies be scattered.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, the American people have a right to expect that their top priority will be our top priority. We are sent here to represent them and to address their concerns. And as far as America is concerned right now, security, security, is job one.

So if we want to do something today, right now, to make America safer, not tomorrow, but right now, to make America safer, the rule and the bill

that we should be considering one month after the incident at the World Trade Center, after that tragedy, one month later, we should bring the airport security bill to the floor. It passed the other body unanimously, but it has been languishing here for weeks; and it is stuck because some elements of the Republican leadership do not want to federalize airline security, even though many in their own party, almost all Democrats, and the American people are fully behind that commonsense proposal.

Instead, we come to the floor with a bill that is important, but that comes through a process in which Members have not even had the chance to read this bill. The bill that was developed in a bipartisan effort out of the committee does not come to the floor, but is slain in the Committee on Rules.

What is sent here is not the bipartisan work of Democrats and Republicans. Surveillance is important, the immigration provisions are important; but you will not secure one American today in the air of this country, in the security of people flying in this country.

We could take 3 days to bail out the airline industry, but 30 days later we cannot give the people of this country the security that they can fly on those planes. We do not have all the air marshals that we need, we do not have the federalization of the security screeners, having the force and professionalism that is needed. We are not checking all of that baggage. We are not having those cockpit doors fully reinforced.

One month later, there is no answer. We need to have an airline security bill today. We cannot leave this Congress this weekend until we do.

Ms. SLAUGHTER. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, first I want to thank my colleagues, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from Michigan (Mr. CONYERS), for leading us in a united way to help win this war against terror. I rise to commend all of the members of the Committee on the Judiciary for their work in the committee on this bill. I am disappointed in the breakdown in bipartisanship that has happened and the breakdown in the real collaboration that I think went on on the committee on this important piece of legislation.

I want to say to the Members that I have had the feeling in the last days that we have begun on bills like this one to have real meaningful collaboration and that that is what we are supposed to do here. We are supposed to honestly and rationally meet with one another, communicate with one another, compromise with one another to reach consensus solutions on important problems, and the gentleman from

Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) did exactly that on this committee.

But now their work and the work of the gentleman from Georgia (Mr. BARR) and the gentleman from Virginia (Mr. SCOTT) and others, which was an alliance that represented compromise, that is the way this Congress has to perform in this moment of national crisis, has been put aside, because someone else wants a different solution.

I have no problem with disagreement. What I have a problem with is not honoring honest compromise reached honorably through hard work and effort. I salute the Members who did that, and I wish that we were talking about the bill today that they presented. But it has been upset, and we are prevented now from doing what we ought to be doing; and I am sorry about that. I am honestly depressed and sorry that we are not acting in the highest manner.

But I also rise today to say that even that bill, which would have been better, should not be the bill that is on the floor today. Today on this floor we should have a debate and a vote on strengthening aviation security in this country, to federalize screeners and put air marshals on every flight.

Last night the Senate passed 100 to 0, 100 to 0, it does not happen very often, 100 to 0, a strong aviation bill to give people maximum security on the ground and in the air.

Right now we are seeing vigilante committees set up ad hoc to go after hijackers if it happens on an airplane. Yesterday I read in the newspaper that air travelers are steeling themselves for attacks. They make pacts in their seats to fight hijackers if they should wind up on their flights. One man, 245 pounds, an ex-football player, said, It would be a bad idea for someone to try to hijack a plane when I am on it. I will tell you that, he said. I think the American citizenry as a whole, he said Wednesday, are pretty pumped up about this right now.

Well, I applaud vigilance, and I applaud courage, and I believe in the courage of the American people; and I am in awe of the people on the plane who crashed in Pennsylvania who tried to save lives. They died so that others could live. But while we need vigilance, we do not need vigilantes; and that is what we are going to have until we get on with this business of taking care of airport and airline security.

As the gentleman from New Jersey (Mr. MENENDEZ) just said, 3 days is all it took us to financially deal with the airlines' problems, and I voted for it and I was for it. But the truth is, at the same time we did that, we should have been dealing with airline and airport security. We need it done professionally. We need trained professional Federal law enforcement officers. That is the bill that we ought to be taking up today.

We have got to go home this weekend and face our constituents and give

them an answer for why we have not done this. There is no good answer. A minority of the majority is stopping us from taking this up because they do not like the outcome on the bill, just like somebody did not like the outcome on this bill out of the Committee on the Judiciary.

Mr. Speaker, it is time for the majority, a nonpartisan majority of this House of Representatives, to work its will in the people's interest. I beg the leadership of this House, bring up airline security today, and bring up the Judiciary-passed bill on anti-terrorism next week.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, we have heard words of wisdom on this floor from the gentleman from Michigan (Mr. CONYERS) and from the gentleman from Missouri (Mr. GEPHARDT). We have also heard words of wisdom from the gentleman from Wisconsin (Mr. SENSENBRENNER).

Let me remind this body that the other body is controlled by Democrats, and the bill we will take up passed 99 to 1. Let me caution Congress, though, that we have trophies sitting there in the form of Federal buildings that are still yet not protected, because the other body did not act last year on legislation that we passed.

Yes, our airports do need help; but I want to mention something today, because I believe all the money we spend, all the bills we pass, all the speeches we make, and all our good intentions and all the security at the airport and all the increased money we spend on enforcement will not stop terrorism.

□ 1315

Congress must look at the comprehensive problem that faces the world, faces America, and faces our ally in Israel as well, even though I have been called many times even an anti-Semite. The President has come forth with a very bold opportunity for Congress to embrace, a lasting resolution to minimize terrorism that has been exported to America, and he is right, and he had the courage to say it. It is time to look at a homeland for the Palestinian people.

So while we bite at the edges, while we play with the factors, while we massage the initiatives, we at some point are going to have to deal with basic issues. Israel will not be safe, our ally, and neither will America, that has now seen the export of that violence. That is not a victory for bin Laden. There will be another thousand bin Ladens. Go after bin Laden, but now let us take a look at the wisdom that has come from the White House, some courage that has come from the White House.

So today I am going to vote not only for this rule, I am going to vote for this bill. And if the gentleman from Wis-

consin (Mr. SENSENBRENNER) can accept it, and if the majority in the other body can accept it, by God, I can, because the crisis is now. Congress must show bipartisanship, and if we do not do it on this, this is the vehicle, when do we do it? But let us get at Federal buildings, let us get at airports, and let us get at that issue of Palestinian homeland. That, I say to my colleagues, is a responsibility we should undertake with a sincere heart to help all of our friends.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, if we are going to rush legislation to the floor, most of our constituents want us to bring up a bill providing for increased airline security, and not a bill that deals with curtailing civil liberties. Every Member of the House knows that Americans are concerned about the safety of our airlines and demonstrating that fear by curtailing their flights. This is truly hurting the economy and affecting hundreds of thousands of American workers and their families.

In the month since the tragedy of September 11, the leadership of the House has failed to bring up legislation to help those workers and to bring up legislation that would demonstrably increase security for the airlines. It seems to me that we must do that and do it quickly, Mr. Speaker.

Therefore, I will ask for a "no" vote on the previous question in order that I might be able to offer an amendment to the rule. My amendment will provide that immediately after the House passes the antiterrorism bill, that it take up the airline safety bill drafted by the ranking member of the Committee on Transportation based on weeks of consultations with his counterparts in the majority and in the Senate. In addition, my amendment would bring this bill up under an open rule so that every Member can express their view about what needs to be done.

It is true that this bill has not been available to Members so that they might know what it contains; but unlike the antiterrorism bill, it does not affect our civil liberties and our rights as American citizens. It does affect our safety and the safety of all Americans who fly. It does affect the ability of workers to reclaim their jobs lost as a result of the airline shutdown and the subsequent fall-off in traffic. This is the legislation we should rush to pass. The Senate passed it yesterday and the sooner we get it to the President's desk, the sooner the airline industry will be able to recover from the horrendous and heinous acts committed last month.

Mr. Speaker, I urge a "no" vote on the previous question and a "no" vote on the rule.

I will include for the RECORD at this time the text of my amendment.

Providing for consideration of the bill (H.R. 2975) to combat terrorism, and for other purposes, and a bill relating to the improvement of aviation security.

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2975) to combat terrorism, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 3108 shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) One hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to commit with or without instructions.

Sec. 2. Immediately after disposition of H.R. 2975, the Speaker shall declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of a bill consisting of the text printed in section 3. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 3 [insert text here]

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the “Transportation Security Enhancement Act of 2001”.

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

“§ 114. Transportation Security Administration

“(a) IN GENERAL.—The Transportation Security Administration shall be an administration of the Department of Transportation.

“(b) UNDER SECRETARY.—

“(1) APPOINTMENT.—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) QUALIFICATIONS.—The Under Secretary must—

“(A) be a citizen of the United States; and

“(B) have experience in a field directly related to transportation or security.

“(3) TERM.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

“(c) LIMITATION ON PECUNIARY INTERESTS.—The Under Secretary may not have a pecuniary interest in, or own stock in or bonds of, a transportation or security enterprise, or an enterprise that makes equipment that could be used for security purposes.

“(d) FUNCTIONS.—The Under Secretary shall be responsible for security in all modes of transportation, including—

“(1) carrying out chapter 449, and section 40119, relating to civil aviation security; and

“(2) security responsibilities over nonaviation modes of transportation that are exercised by Administrations of the Department of Transportation (other than the Federal Aviation Administration).

“(e) ADDITIONAL DUTIES AND POWERS.—In addition to carrying out the functions specified in subsection (d), the Under Secretary shall—

“(1) receive, assess, and distribute intelligence information related to transportation security;

“(2) assess threats to transportation;

“(3) develop policies, strategies, and plans for dealing with threats to transportation security;

“(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

“(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

“(6) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

“(7) enforce security-related regulations and requirements;

“(8) identify and undertake research and development activities necessary to enhance transportation security;

“(9) inspect, maintain, and test security facilities, equipment, and systems;

“(10) ensure the adequacy of security measures for the transportation of mail and cargo;

“(11) oversee the implementation, and ensure the adequacy, of security measures at airports;

“(12) oversee the implementation, and ensure the adequacy, of background checks for airport security screening personnel, individuals with unescorted access to secure areas of airports, and other transportation security personnel;

“(13) develop standards for the hiring, training, and retention of airport security screening personnel; and

“(14) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

“(f) ACQUISITIONS.—

“(1) IN GENERAL.—The Under Secretary is authorized—

“(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

“(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

“(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of employees of the Administration and to acquire maintain and operate equipment for these facilities;

“(D) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

“(E) in cooperation with the Administrator of the Federal Aviation Administration and the heads of other Administrations in the Department of Transportation, to utilize the research and development facilities of those Administrations, including the facilities of the Federal Aviation Administration located in Atlantic City, New Jersey.

“(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

“(g) TRANSFERS OF FUNDS.—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of this section, by law to the Under Secretary.

“(h) REGULATIONS.—

“(1) IN GENERAL.—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

“(2) FACTORS TO CONSIDER.—In determining whether to issue, rescind, or a revise a regulation under this section, the Under Secretary shall consider, as one factor in the final determination, whether the costs of the regulation are excessive in relation to the enhancement of security the regulation will provide. In making such determination, the Under Secretary shall not undertake a cost benefit analysis that places a monetary value on human life or attempts to estimate the number of lives that will be saved by the regulation.

“(3) LIMITATION.—The Under Secretary shall not decide against issuing a regulation under this section because the regulation fails to satisfy a quantitative cost-benefit test.

“(4) EMERGENCY PROCEDURES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis) if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an opportunity for comment.

“(B) REVIEW BY TRANSPORTATION SECURITY OVERSIGHT BOARD.—Any regulation or security directive issued under this paragraph shall remain effective unless disapproved by the Transportation Security Oversight Board established under section 44951 or rescinded by the Under Secretary.

“(i) PERSONNEL AND SERVICES; COOPERATION BY UNDER SECRETARY.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 106.

“(j) ACQUISITION MANAGEMENT SYSTEM.—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment and materials by the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment and materials as the Under Secretary considers appropriate.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

"114. Transportation Security Administration."

(C) POSITION OF UNDER SECRETARY IN EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"The Under Secretary of Transportation for Security".

(d) REFERENCES TO FAA IN CHAPTER 449.—Chapter 449 is amended—

(1) in section 44904(b)(5) by striking "the Administration" and inserting "the Transportation Security Administration";

(2) in the second sentence of section 44913(a)(1) by striking "of the Administration" and inserting "of the Transportation Security Administration";

(3) in section 44916(a)—

(A) in the first sentence by striking "Administrator" and inserting "Under Secretary of Transportation for Security"; and

(B) in the second sentence by striking "Administration" and inserting "Transportation Security Administration";

(4) in each of sections 44933(a) and 44934(b) by striking "Assistant Administrator for Civil Aviation Security" and inserting "Under Secretary";

(5) in section 44934(b)(1) by striking "Assistant Administrator" and inserting "Under Secretary";

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking "Administrator" each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting "Under Secretary";

(8) by striking "Administrator's" each place it appears in such chapter and inserting "Under Secretary's"; and

(9) by striking "of the Federal Aviation Administration" each place it appears in such chapter (except in section 44936(f)) and inserting "of Transportation for Security".

SEC. 3. REVIEW AND RECOMMENDATION.

(a) COMMENCEMENT OF REVIEW.—Not later than 6 months after the date of enactment of this Act, the President shall commence a review of whether security would be enhanced by transfer of the Transportation Security Administration to another Department or Office in the United States Government.

(b) REPORT.—Not later than 1 year after the date of enactment, the President shall report to Congress on the conclusions reached in the review and on recommendations for any legislation needed to carry out a recommended change.

SEC. 4. IMPROVED PASSENGER SCREENING PROCESS.

Section 44901 of title 49, United States Code, is amended to read as follows:

"§ 44901. Screening passengers and property

"(a) IN GENERAL.—The Under Secretary of Transportation for Security shall be responsible for the screening of all passengers and property that will be carried in an aircraft in air transportation or intrastate air transportation and for issuing implementing regulations. The screening must take place before boarding of such passengers and loading of property and be carried out by security screening personnel using equipment and processes approved for that purpose by the Under Secretary.

"(b) FEDERAL SECURITY SCREENING PERSONNEL.—Except as provided in subsection (c), the Under Secretary shall carry out the screening function under subsection (a) using—

"(1) employees of the Transportation Security Administration who are citizens of the United States; or

"(2) employees of another department, agency, or instrumentality of the United States Government who are citizens of the

United States, with the consent of the head of the department, agency, or instrumentality.

"(c) TRANSITION PERIOD.—

"(1) IN GENERAL.—As soon as practicable, but not later than the last day of the 1-year period beginning on the date of enactment of the Transportation Security Enhancement Act of 2001, the Under Secretary shall carry out the screening function under subsection (a) using solely Federal security screening personnel described in subsection (b). In such 1-year period, screening functions may be performed by personnel other than Federal security screening personnel (including personnel provided by a contractor under an agreement with the Under Secretary). During such 1-year period, the Under Secretary shall begin to assign Federal security screening personnel to airports as soon as practicable.

"(2) RESPONSIBILITIES OF AIR CARRIERS.—In the 1-year period referred to in paragraph (1), until otherwise directed by the Under Secretary, an air carrier, intrastate air carrier, or foreign air carrier shall continue to carry out the screening of passengers and their property in accordance with the requirements of this section (including regulations issued to carry out this section), as in effect on the day before the date of enactment of the Transportation Security Enhancement Act of 2001. During the period in which carriers continue to be responsible for such screening, the Under Secretary shall use Federal security screening personnel to supplement the screening personnel provided by the carriers and oversee the screening process as necessary to ensure the safety and security of operations.

"(3) ASSIGNMENT OF CONTRACTS.—Upon request of the Under Secretary, an air carrier, intrastate air carrier, or foreign air carrier carrying out a screening function described in subsection (a) may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out such function. In entering into any such agreement, the Under Secretary shall include such terms and conditions as are necessary to ensure that the Under Secretary has the authority to oversee performance of the contractor, to supervise personnel carrying out screening at an airport, and to require the replacement of unsatisfactory personnel."

SEC. 5. SPECIAL PERSONNEL SYSTEM FOR SCREENERS.

(a) DEVELOPMENT.—The Under Secretary of Transportation for Security shall develop a personnel system for screeners employed by the Transportation Security Administration governing such matters as their compensation and benefits and the authority of the Administration to suspend or terminate such employees.

(b) GUIDING PRINCIPLES.—In developing the personnel system, the Under Secretary—

(1) shall not be required to follow laws and regulations governing Federal civil service employees or other Federal employees; and

(2) shall be guided by the following principles:

(A) the need to establish levels of compensation which will attract employees with competence and expertise comparable to other Federal inspectors and law enforcement personnel;

(B) the need for the Administration to have suspension and termination authority which will ensure that security will not be compromised and that the screener work force will be composed of employees with a high level of competence and dedication to their responsibilities; and

(C) the need for employees to be protected against arbitrary or unsubstantiated decisions which result in the permanent loss of

their jobs; except that the Under Secretary shall ensure that the procedures developed to protect employees are consistent with the need to maintain security at all times and, in establishing the procedures, shall consider the procedures established in private sector firms for employees with important safety and security responsibilities.

SEC. 6. SECURITY PROGRAMS.

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1) by inserting after "at each of those airports" the following: ", including at each location at those airports where passengers are screened,";

(2) in paragraph (2)(C)(i) by striking "shall issue an amendment to air carrier security programs to require" and inserting "shall require"; and

(3) by adding at the end the following:

"(3) ANNUAL REVIEW AND APPROVAL.—On an annual basis, the Administrator shall review, and approve or disapprove, the security program of an airport operator."

SEC. 7. EMPLOYMENT STANDARDS AND TRAINING.

(a) EMPLOYMENT STANDARDS.—Section 44935(a) is amended—

(1) in the first sentence by inserting ", personnel (including Federal employees) who screen passengers and property," after "air carrier personnel";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following:

"(6) citizenship requirements, including requirements consistent with section 44901(b), when appropriate; and

"(7) minimum compensation levels, when appropriate."

(b) EMPLOYMENT STANDARDS FOR SCREENERS.—Section 44935 is amended by adding at the end the following:

"(g) TRAINING FOR ALL SCREENERS, SUPERVISORS, AND INSTRUCTORS.—

"(1) IN GENERAL.—The Under Secretary shall require any individual who screens passengers and property pursuant section 44901, and the supervisors and instructors of such individuals, to have satisfactorily completed all initial, recurrent, and appropriate specialized training necessary to ensure compliance with the requirements of this section.

"(2) ON-THE-JOB PORTION OF SCREENER'S TRAINING.—Notwithstanding paragraph (1), the Under Secretary may permit an individual, during the on-the-job portion of training, to perform security functions if the individual is closely supervised and does not make independent judgments as to whether persons or property may enter secure areas or aircraft or whether cargo or mail may be loaded aboard aircraft without further inspection.

"(3) EFFECT OF SCREENER'S FAILURE OF OPERATION TEST.—The Under Secretary may not allow an individual to perform a screening function after the individual has failed an operational test related to that function until the individual has successfully completed remedial training."

(c) MINIMUM EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—Beginning on the 30th day following the date of enactment of this Act, subject to subsection (d), the following requirements, at a minimum, shall apply to an individual (including a Federal employee) who screens passengers or property, or both (in this subsection referred to as a "screener").

(1) EDUCATION.—A screener shall have a high school diploma, a general equivalency diploma, or a combination of education and experience that the Under Secretary has determined to have equipped the individual to perform the duties of the screening position.

(2) BASIC APTITUDES AND PHYSICAL ABILITIES.—A screener shall have basic aptitudes and physical abilities (including color perception, visual and aural acuity, physical coordination, and motor skills) and shall have—

(A) the ability to identify the components that may constitute an explosive or an incendiary device;

(B) the ability to identify objects that appear to match those items described in all current regulations, security directives, and emergency amendments;

(C) for screeners operating X-ray and explosives detection system equipment, the ability to distinguish on the equipment monitors the appropriate images;

(D) for screeners operating any screening equipment, the ability to distinguish each color displayed on every type of screening equipment and explain what each color signifies;

(E) the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint or other screening environment;

(F) for screeners performing manual searches or other related operations, the ability to efficiently and thoroughly manipulate and handle such baggage, containers, cargo, and other objects subject to security processing;

(G) for screeners performing manual searches of cargo, the ability to use tools that allow for opening and closing boxes, crates, or other common cargo packaging;

(H) for screeners performing screening of cargo, the ability to stop the transfer of suspect cargo onto passenger air carriers; and

(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct those procedures over a person's entire body.

(3) COMMAND OF ENGLISH LANGUAGE.—A screener shall be able to read, speak, write, and understand the English language well enough to—

(A) carry out written and oral instructions regarding the proper performance of screening duties;

(B) read English language identification media, credentials, airline tickets, documents, air waybills, invoices, and labels on items normally encountered in the screening process;

(C) provide direction to and understand and answer questions from English-speaking persons undergoing screening or submitting cargo for screening; and

(D) write incident reports and statements and log entries into security records in the English language.

(d) MORE STRINGENT EMPLOYMENT STANDARDS.—The Under Secretary of Transportation for Security has the authority to impose at any time more stringent requirements to individuals referred to in subsection (c) than those minimum requirements in subsection (c).

SEC. 8. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Subchapter I of chapter 449 is amended by adding at the end the following:

“§ 44917. Deployment of Federal air marshals

“(a) IN GENERAL.—The Under Secretary of Transportation for Security under the authority provided by section 44903(d) shall—

“(1) provide for appropriate deployment of Federal air marshals on passenger flights of air carriers in air transportation or intrastate air transportation;

“(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

“(3) provide for appropriate training, supervision, and equipment of Federal air marshals;

“(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight;

“(5) establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on a flight;

“(6) establish a program to permit Federal, State, and local law enforcement officers to be trained to participate in the Federal air marshals program of the Administration as volunteers when such officers are otherwise traveling in an aircraft operated by an air carrier; and

“(7) in establishing the qualifications for positions as Federal air marshals, establish a maximum age for initial employment which is high enough to allow qualified retiring law enforcement officials to fill such positions.

“(b) FLIGHTS IN FOREIGN AIR TRANSPORTATION.—The Under Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights in foreign air transportation.

“(c) INTERIM MEASURES.—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use, after consultation with the heads of other Federal agencies and departments, personnel from those agencies and departments, on a reimbursable or nonreimbursable basis, to provide air marshal service.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44916 the following:

“44917. Deployment of Federal air marshals.”.

SEC. 9. ENHANCED SECURITY MEASURES.

(a) IN GENERAL.—Subchapter I of chapter 449 is further amended by adding at the end the following:

“§ 44918. Enhanced security measures

“(a) IN GENERAL.—The Under Secretary of Transportation shall take the following actions to enhance aviation security:

“(1) After consultation with the Administrator of the Federal Aviation Administration, develop and implement methods to—

“(A) restrict the opening of a cockpit door during a flight;

“(B) modify cockpit doors to deny access from the cabin to the cockpit;

“(C) use video monitors or other devices to alert pilots in the cockpit to activity in the cabin; and

“(D) ensure continuous operation of an aircraft transponder in the event of an emergency.

“(2) Provide for the installation of technology in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

“(3) Enhance security for secured areas of airports, including—

“(A) requiring screening of all persons, vehicles, and other equipment before entry into a secured area;

“(B) requiring catering companies and other companies whose employees have access to a secured area to develop security programs;

“(C) requiring that all persons, including persons who are accompanied by persons holding an identification card, seeking access to a secured area be issued identification cards, following background checks, criminal history record checks, and checks of Federal security databases;

“(D) revalidating approvals of all persons previously authorized to entered a secured

area, including full background and criminal history record checks and checks of Federal security databases;

“(E) maximizing use of enhanced technology, such as biometrics, to positively verify the identity of persons entering a secured area; and

“(F) improving procedures to ensure that identification cards which are revoked cannot be utilized.

“(4) Develop alternative sources of explosive detection equipment for screening baggage, mail, and cargo and maximize the use of such equipment by ensuring that equipment already installed at an airport is used to its full capacity and by developing and implementing a program to purchase additional equipment so that, not later than 3 years after the date of enactment of this section, all baggage, mail, and cargo will be inspected by such equipment.

“(5) Establish a uniform system of identification for all State and local law enforcement personnel to use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

“(6) Work with intelligence and law enforcement agencies to develop procedures to ensure that air carrier and airport systems have necessary law enforcement and national security intelligence data, to enhance the effectiveness of their security programs.

“(7) Ensure that the Computer Assisted Passenger Pre-Screening System of the Transportation Security Administration includes necessary intelligence information, is used to evaluate all passengers before they board an aircraft, and includes procedures to ensure that selectees of such system and their carry-on and checked baggage are adequately screened.

“(8) Restrict carry-on baggage to one piece of carry-on baggage, plus one personal item, per passenger (including children under the age of 2); except exempt any child safety seat to be used during a flight to restrain a child passenger under 40 pounds or 40 inches and any assistive device for a disabled passenger.

“(9) After consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for flight crews and cabin crews to use to defend an aircraft against acts of violence or piracy.

“(10) Develop realistic crew training programs as follows:

“(A) No later than 30 days after the date of enactment of this paragraph and in consultation with the Federal Aviation Administration, appropriate law enforcement, security, and terrorism experts, and air carrier, pilot, and flight attendant representatives, develop a realistic crew training program to prepare crew members for current threat conditions.

“(B) Require air carriers to train all crew members not later than 60 days after such date of enactment.

“(C) Required crew training shall include, but not be limited to—

“(i) determination of the seriousness of any occurrence;

“(ii) crew communication and coordination;

“(iii) self-defense;

“(iv) use of Transportation Security Administration approved protection devices assigned to crewmembers, including appropriate certifications for use of such devices; and

“(v) psychology of terrorism to cope with hijacker behavior and passenger reaction.

“(D) Develop a plan for updating the training program and retraining crew members as each new security threat becomes known.

“(11) Require training of gate, ticket, and curbside agents to respond appropriately

when the system referred to in paragraph (7) identifies a passenger as a threat to security.

“(12) Establish a toll-free telephone number for air carrier and airport employees and their customers to use to report instances of inadequate security.

“(13) Require effective 911 emergency call capabilities for the telephones serving passenger aircraft and trains.

“(14) In consultation with the Federal Aviation Administration, require that all pilot licenses incorporate a photograph of the license holder and appropriate biometric imprints.

“(15) Provide for background checks, criminal history record checks, and checks against Federal security data bases of individuals seeking instruction in flying aircraft that weigh more than 12,500 pounds.

“(16) Require training of employees of a flight school to recognize suspicious circumstances and activities for individuals enrolling in or attending flight school and to notify the Administration.

“(b) REPORT.—Not later than 6 months after the date of enactment of this section, and annually thereafter, the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking actions under subsection (a), including any legislative recommendations that the Under Secretary may have for enhancing transportation security.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by inserting after the item relating to section 44917 the following:

“44918. Enhanced security measures.”.

(c) REPEAL OF EXISTING REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 44938 is amended—
(A) in the section heading by striking “**Reports**” and inserting “**Report**”; and

(B) by striking “(a) TRANSPORTATION SECURITY.—” and all that follows through “(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY.—The Administrator” and inserting “The Under Secretary of Transportation for Security”.

(2) CHAPTER ANALYSIS.—The analysis for chapter 449 is amended by striking the item relating to section 44938 and inserting the following:

“44938. Report.”.

SEC. 10. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44936(a) is amended—

(1) in paragraph (1)(E)(iv)(II) by striking the period at the end and inserting “; except that at such an airport, the airport operator, air carriers, and screening companies may elect to implement the requirements of this subparagraph in advance of the effective date if the Under Secretary approves of such early implementation and if the airport operator, air carriers, and screening companies amend their security programs to conform those programs to the requirements of this subparagraph.”; and

(2) in paragraph (2) by striking “or airport operator” and inserting “airport operator, or screening company”.

SEC. 11. PASSENGER AND BAGGAGE SCREENING FEE.

(a) IN GENERAL.—Subchapter II of chapter 449 is amended by adding at the end the following:

“§ 44939. Passenger and baggage screening fee

“(a) GENERAL AUTHORITY.—

“(1) PASSENGER FEES.—The Under Secretary of Transportation for Security shall impose a fee on passengers in air transportation and intrastate air transportation to pay for the costs of the screening of passengers and property pursuant to section

44901(d). Such costs include salaries and expenses, training, and equipment acquisition, operation, and maintenance.

“(2) AIR CARRIER FEES.—

“(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), the Under Secretary may impose a fee on air carriers to pay for the costs of providing security for air carriers and their passengers and crews.

“(B) LIMITATION.—The amounts of fees collected under this paragraph may not exceed, in the aggregate, the amounts paid in calendar year 2000 by air carriers for security described in paragraph (1), adjusted for inflation.

“(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are directly related to the Transportation Security Administration’s costs of providing services rendered.

“(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed \$2.50 on a 1-way trip in air transportation or intrastate air transportation.

“(d) IMPOSITION OF FEE.—

“(1) IN GENERAL.—Notwithstanding the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

“(2) SUBSEQUENT RULEMAKING.—After imposing a fee in accordance with paragraph (1), the Under Secretary shall conduct a rulemaking proceeding on imposition and collection of the fee in accordance with the requirements of section 553 of title 5 and shall issue a final rule to continue or modify imposition or collection of the fee, or both.

“(e) FEES PAYABLE TO UNDER SECRETARY.—All fees imposed and amounts collected under this section are payable to the Under Secretary of Transportation for Security.

“(f) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31, any fee collected under this section—

“(1) shall be credited to a separate account established in the Treasury;

“(2) shall be available immediately for expenditure but only to pay the costs of activities and services for which the fee is imposed; and

“(3) shall remain available until expended.

“(g) REFUNDS.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44938 the following:

“44939. Passenger and baggage screening fee.”.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.

(a) IN GENERAL.—Subchapter II of chapter 449 is further amended by adding at the end the following:

“§ 44940. Authorization of appropriations for operations

“(a) OPERATIONS OF TRANSPORTATION SECURITY ADMINISTRATION.—There are authorized to be appropriated such sums as may be necessary for the operations of the Transportation Security Administration, including the functions of the Administration under section 44901(d) if the fees imposed under section 44939 are insufficient to cover the costs of such functions.

“(b) AIRCRAFT SECURITY.—There is authorized to be appropriated \$500,000,000 to the Secretary of Transportation to make grants to air carriers to (1) modify cockpit doors to deny access from the cabin to the pilots in

the cockpit, (2) use video monitors or other devices to alert the cockpit crew to activity in the passenger cabin, and (3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency. Such sums shall remain available until expended.

“(c) AIRPORT SECURITY.—There is authorized to be appropriated \$500,000,000 for fiscal year 2002 to the Secretary to reimburse airport operators for direct costs that such operators incurred to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001. Such sums shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44939 the following:

“44940. Authorization of appropriations for operations.”.

(c) SECURITY FACILITY FEES.—Section 40117 is amended by adding at the end the following:

“(1) INCREASED SECURITY.—

“(1) IN GENERAL.—The Secretary may authorize an eligible agency to impose an additional security facility fee of up to \$1 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls, to reimburse the agency for direct costs the agency incurs to comply with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on and after September 11, 2001.

“(2) PROCEDURES.—Notwithstanding any provisions of this section, the Secretary shall develop special procedures for approval of any application under this subsection which will promptly authorize a fee under this subsection if there is a reasonable basis for concluding that an agency is likely to incur increased costs for security requirements which justify the fee.”.

SEC. 13. TRANSPORTATION SECURITY OVERSIGHT BOARD.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end the following:

“SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

“§ 44951. Transportation Security Oversight Board

“(a) IN GENERAL.—There is established a board to be known as a ‘Transportation Security Oversight Board’.

“(b) MEMBERSHIP.—

“(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members as follows:

“(A) The Secretary of Transportation (or the Secretary’s designee).

“(B) The Attorney General (or the Attorney General’s designee).

“(C) The Secretary of the Treasury (or the Secretary’s designee).

“(D) The Secretary of Defense (or the Secretary’s designee).

“(E) One member appointed by the President to represent the National Security Council or the Office of Homeland Security.

“(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Transportation.

“(c) DUTIES.—The Board shall—

“(1) review any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(h)(4) within 30 days after the date of issuance of such regulation or directive;

“(2) share intelligence information with the Under Secretary;

“(3) review—

“(A) plans for transportation security;

“(B) standards established for performance of airport security screening personnel;

“(C) compensation being paid to airport security screening personnel;

“(D) procurement of security equipment;

“(E) selection, performance, and compensation of senior executives in the Transportation Security Administration; and

“(F) budget requests of the Under Secretary; and

“(4) make recommendations to the Under Secretary regarding matters reviewed under paragraph (3).

“(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

“(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public when classified security information will be discussed.

“§ 44952. Advisory council

“(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish an advisory council to be known as the ‘Transportation Security Advisory Council’.

“(b) MEMBERSHIP.—The Council shall be composed of members appointed by the Under Secretary to represent all modes of transportation, transportation labor, organizations representing families of victims of transportation disasters, and other entities affected or involved in the transportation security process.

“(c) DUTIES.—The Council shall provide advice and counsel to the Under Secretary on issues which affect or are affected by the operations of the Transportation Security Administration. The Council shall function as a resource for management, policy, spending, and regulatory matters under the jurisdiction of the Transportation Security Administration.

“(d) ADMINISTRATIVE MATTERS.—

“(1) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the Chairperson or the Under Secretary.

“(2) ACCESS TO DOCUMENTS AND STAFF.—The Under Secretary may give the Council appropriate access to relevant documents and personnel of the Administration, and the Under Secretary shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’), cost data associated with the acquisition and operation of security screening equipment. Any member of the Council who receives commercial or other proprietary data from the Under Secretary shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

“(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among the members, each of whom shall serve for a term of 2 years. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

“(4) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

“(5) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Under Secretary shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this section.

“(e) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding at the end the following:

“SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

“44951. Transportation Security Oversight Board.

“44952. Advisory council.”

SEC. 14. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—As provided by the Inspector General Act (5 U.S.C. App.) and other applicable statutes, the Inspector General of the Department of Transportation (in addition such other authority as the Inspector General may have) shall have authority to conduct the following:

(1) Audits of the Transportation Security Administration's programs, operations, and activities.

(2) Criminal investigations of alleged violations of Federal laws or Department of Transportation regulations pertaining to aviation and other modes transportation security.

(3) Investigations into waste, fraud, abuse, and any other allegations involving wrongdoing within the Administration.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and periodically thereafter, the Inspector General shall report to Congress on the implementation, efficiency, and effectiveness of the Administration's programs, operations, and activities. The report shall focus on the Administration's main programs and contain recommendations, as necessary, for further legislation.

SEC. 15. TECHNICAL CORRECTION.

Section 106(a) of the Air Transportation Safety and System Stabilization Act (P.L. 107-42) is amended by striking “February 1, 2001” and inserting “February 1, 2002”.

SEC. 16. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 is amended—

(1) by striking “contract personnel” each place it appears and inserting “personnel”;

(2) by striking “contract employee” each place it appears and inserting “employee”;

(3) in section 45106(c) by striking “contract employees” and inserting “employees”;

(4) by inserting after section 45106 the following:

“§ 45107. Transportation security administration

“(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

“(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation

Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively.”; and

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

“45107. Transportation Security Administration”.

SEC. 17. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking “subsection (f)” each place it appears and inserting “subsection (h)”.

(b) INVESTIGATIONS AND PROCEDURES.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after “(or)” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”;

(2) by striking “or Administrator” each place it appears and inserting “, Under Secretary, or Administrator”;

(3) in section 46101(a)(2) by striking “of Transportation or the” and inserting “, Under Secretary, or”;

(4) in section 46102(b) by striking “and the Administrator” and inserting “, the Under Secretary, and the Administrator”;

(5) in section 46102(c) by striking “and Administrator” each place it appears and inserting “, Under Secretary, and Administrator”;

(6) in each of sections 46102(d) and 46104(b) by inserting “the Under Secretary,” after “Secretary,”;

(7) in the heading to section 46106 by striking “Secretary of Transportation and Administrator of the Federal Aviation Administration” and inserting “Department of Transportation”;

(8) in the item relating to section 46106 of the analysis for such chapter by striking “Secretary of Transportation and Administrator of the Federal Aviation Administration” and inserting “Department of Transportation”.

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

(A) by inserting after “(or)” the following: “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or”;

(B) by striking “or Administrator” and inserting “, Under Secretary, or Administrator”;

(2) in subsection (d)—

(A) by inserting after “The” the following: “Under Secretary of Transportation for Security or the”;

(B) by striking “Administration” the second place it appears and inserting “Transportation Security Administration or Federal Aviation Administration, as the case may be,”;

(C) by striking “the Administrator decides” and inserting “the Under Secretary or Administrator, as the case may be, decides”.

(d) PENALTIES.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

(A) by striking “, chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),”;

(B) by inserting after the first sentence the following: "The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)-(d)(1)(A), 44907(d)(1)(C)-(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449."; and

(C) by inserting "Under Secretary or" before "Administrator shall";

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking "Administrator" each place it appears and inserting "Under Secretary or Administrator";

(3) in section 46301(d)(8) by striking "Administrator" and inserting "Under Secretary, Administrator";

(4) in section 46301(h)(2) by inserting after "(or)" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or";

(5) in section 46311—

(A) by inserting after "Transportation," the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,";

(B) by inserting after "Secretary," each place it appears the following: "Under Secretary,"; and

(C) by striking "or Administrator" each place it appears and inserting "Under Secretary, or Administrator"; and

(6) in each of sections 46313 and 46316 by inserting after "(or)" the following: "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or".

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in the aftermath of the merciless attack of 11 September, there were two schools of thought. One group said, let us bomb someone or somebody immediately. Another school urged, do nothing, and then perhaps these messengers of evil will simply go away. Neither of these schools of thought, in my opinion, Mr. Speaker, was sound.

If this legislation is enacted today, and I intend to support it, will it preclude subsequent attacks? I know not. But I do know it will afford our law enforcement and intelligence arms more flexibility. What was in place on 11 September of this year obviously was not sufficient.

Who are these terrorists? Messengers of evil driven by fanaticism. They are well-financed, brilliant operatives, as evidenced by the attack in New York and the attack here and the ditching of the plane in Pennsylvania. Brilliant indeed who have no regard for human life, innocent human life, if you will. Forget about the military for the moment. They attacked innocent bystanders. They would just as soon slay them as they would an armed soldier or an armed guardman.

They had a choice, Mr. Speaker, the Taliban, the terrorists. They were given a choice: surrender these messengers of evil, these thugs who are financed through the production and

trafficking of heroin, which I call rat poison, or if you do not do that, they were told, suffer the consequences, because in the alternative, we will respond. As President Bush so eloquently said at the Pentagon memorial service yesterday, they chose unwisely.

The time is now. I commend the chairman for having done good work on this, and I commend the Committee on Rules as well. I urge support for the rule and support for final passage.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for some very fine work.

I stand here today, Mr. Speaker, a little bit saddened at the finger pointing by the minority leader and accusation of partisanship. I too had issues with the bill and was eager to work with both parties on many differences that we had over the very short course of time to give our law enforcement the tools to be successful. We won some; we lost some. There was no speed to partisanship, but there was a sense of urgency in what we must do in this Chamber. We can argue and debate and negotiate, but at the end of the day, a decision must be made.

I stood with those FBI agents for nearly 6 years, and I understood, and it became very clear to me, that we were fighting a war with 1970s tools in a war that now is into the 21st century; a very different kind of place, a very different kind of terrorist, a very different kind of sophistication. They have stolen, Mr. Speaker, more than just the lives of American citizens. They have stolen the innocence of a whole generation of Americans.

My daughter just recently, who during her entire 7 years told me that she was going to be a teacher, and that is what she wanted to be more than anything, was to be a teacher. And every time my wife and I had that conversation, she reiterated without pausing that she wanted to be a teacher. Until just recently, she came to me and said, Dad, unprovoked by me, I want to be President of the United States. And I asked her why, and she said because I want to make the rules so that bad people cannot hurt my friends in my neighborhood.

There has been a lot lost here, Mr. Speaker. It is more than process and negotiation and a rule which, to the vast majority of Americans, quite frankly, means nothing. What we have to do, and I have seen the panic in the eyes of the agents of the FBI today, who are asking for the tools of the 21st century to help them stop and disrupt what we know is coming to the United States of America. I am saddened because we ought to stand together and say, yes, we can improve on some things, and yes, we ought to have a money-laundering provision. But

today, let us give those agents the tools they need to protect the next generation of Americans, to protect the Americans that are out there today. Let us untie the one hand behind their back and let them do what they will do best: protect America.

Mr. Speaker, this is not about partisanship, and this is not about trying to get somebody's way; this is about protecting America. We have to make a decision. Vote for this rule and make it happen. Let me go home this weekend and look my daughter in the eye and say, you are not going to have to run for President, ma'am, unless you want to, because we have done all that we can do to make sure that you can grow up to be anything that you want.

Pass this rule. Let us get on with it. Give them the tools that they need to be successful.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I just want to address some comments made by my good friend from Ohio about the Osama bin Laden al-Qaeda organization and our policy in the Middle East. Osama bin Laden kind of backed into the Palestinian situation saying, this is going to continue to happen as long as America continues to support Israel.

That is not what this is all about. Osama bin Laden is an evil man, as are his followers. To say that this is part of the Palestinian situation, he is backing into that by convenience; otherwise, Yasser Arafat would be saying, yes, we are in this too, this is a good thing. They are not embracing this policy of killing innocent Americans in their workplace and hijacking airplanes.

I think it is very important for us to say, we are going to continue to stand with our ally, Israel. We are going to continue to work for peace in the Middle East, and we are not going to let a mad man and a terrorist organization say that we somehow are guilty; therefore, our people should be punished and killed in the workplace because of a Middle Eastern policy that we are trying to work for.

I just wanted to make sure somebody addressed that, Mr. Speaker.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Wisconsin (Mr. SENSENBRENNER). I think he has done a wonderful job for bringing forth this legislation. I want to thank my colleagues on the Committee on Rules; we worked long hours today beginning early in the morning on this. This bill is a compromise between the Senate's bipartisan legislation and our bipartisan legislation. I think it is a good piece of legislation that should be passed. In order for it to get to the floor, I would urge my colleagues to pass the rule.

I would point out that yesterday, not 1 month ago, yesterday, the FBI issued a statement informing all Americans

that the Nation is at risk of another attack at any time. The legislation before us, in effect, provides law enforcement with tools to try to prevent another attack. I would respectfully urge my colleagues who have expressed disagreement with the legislation to not compare this bill, which is a reasonable bill providing reasonable tools for law enforcement, with excesses that have occurred at other points in history in the past. This bill is not one of excesses; it is one of reasonable tools for law enforcement.

For example, grand jury information; information that is garnered, that is obtained by a grand jury with regard to terrorists, this bill, the compromise before us today, permits that information to be shared with the FBI. That is the kind of reasonable measure that we need in order to prevent further attacks in the future. With regard to the standards to detain and charge a terrorist, if there are reasonable grounds to believe that the person being harbored will commit a terrorist act, then that person can be detained.

□ 1330

The bill that was previously passed by the Committee on the Judiciary had a standard which I believe was not reasonable. It said that someone had to have committed or was about to commit, has committed or is about to commit, a terrorist act. It almost required the commission of the terrorist act before the terrorist could be detained.

With regard to immigration, someone from another country, a noncitizen, could be detained under this legislation for 7 days. Then he either has to be charged or released. That is a reasonable measure.

The sunset issue was brought out with regard to the legislation. The Senate has no sunset. The original legislation that came out of the Committee on the Judiciary had a 2-year sunset. The compromise legislation before us today has a 3-year sunset, with 2 more possible years if there is a Presidential certification of need, for a total period of 5 years. Then there is a sunset.

So again, these are reasonable steps to give tools to law enforcement to try to at least have them have this government do everything possible to avoid another September 11. That is what we are dealing with today.

So I urge my colleagues to support this rule to bring forth the legislation and to support this legislation so that we, at least, can know that we have done everything possible at this time to prevent another tragedy. Mr. Speaker, I urge the adoption of this resolution, as well as a favorable vote on the underlying legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the bill before us today is the Senate version, S. 1510, that dangerously and unfairly challenges our parliamentary procedures and spirit of bi-partisanship that has existed thus far in the lengthy negotiations on this bill in the House.

The Senate version closely parallels the administration's proposal, containing a number of

proposals that, frankly, are offensive to the 36-0 bi-partisan version reported out of the House Judiciary Committee. For example, the Senate version fails to include an essential two-year sunset provision that is in the House version that was crucial to the delicate compromise that was struck by Members from both sides of the aisle in the House Judiciary Committee.

This process is flawed and unfair. In the Senate, the bill bypassed the Judiciary Committee entirely, going straight to the floor. There, several key amendments, including three by Senator FEINGOLD which would have provided greater protections of our civil liberties, were tabled.

Today, it is patently clear that the goal of this process is to completely avoid a conference on the important legislation. In the House, this process has shut out many House Judiciary Members who were instrumental in the pre-conferencing of the bill. The closed rule reported out of the Rules Committee this morning effectively destroys the work and efforts of the entire House Judiciary Committee and forces upon its Members a version of this legislation which fails to address the hopes and concerns of millions of Americans from across this great Nation.

This is a travesty of process and justice of monumental proportions.

Mr. DIAZ-BALART. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 215, nays 207, not voting 8, as follows:

[Roll No. 383]

YEAS—215

Akin	Chambliss	Foley
Armey	Coble	Forbes
Bachus	Collins	Fossella
Baker	Combest	Frelinghuysen
Ballenger	Cooksey	Galleghy
Barr	Cox	Ganske
Bartlett	Crane	Gekas
Bass	Crenshaw	Gibbons
Bereuter	Cubin	Gilchrest
Biggert	Culberson	Gilman
Billirakis	Cunningham	Goode
Boehlert	Davis, Jo Ann	Goodlatte
Boehner	Davis, Tom	Goss
Bonilla	Deal	Graham
Bono	DeLay	Granger
Brady (TX)	DeMint	Graves
Brown (SC)	Diaz-Balart	Green (WI)
Bryant	Doolittle	Greenwood
Burr	Dreier	Grucci
Burton	Duncan	Gutknecht
Buyer	Dunn	Hall (TX)
Callahan	Ehlers	Hansen
Calvert	Ehrlich	Hart
Camp	Emerson	Hastings (WA)
Cannon	English	Hayes
Cantor	Everett	Hayworth
Capito	Ferguson	Hefley
Castle	Flake	Herger
Chabot	Fletcher	Hilleary

Hobson	Myrick	Shays
Hoekstra	Nethercutt	Sherwood
Horn	Ney	Shimkus
Hostettler	Northup	Shuster
Houghton	Norwood	Simmons
Hulshof	Nussle	Simpson
Hunter	Osborne	Skeen
Hyde	Ose	Smith (MI)
Isakson	Otter	Smith (NJ)
Issa	Oxley	Smith (TX)
Istook	Paul	Souder
Jenkins	Pence	Stearns
Johnson (CT)	Peterson (PA)	Stump
Johnson (IL)	Petri	Sununu
Johnson, Sam	Pickering	Sweeney
Jones (NC)	Pitts	Tancredo
Keller	Platts	Tauzin
Kelly	Pombo	Taylor (NC)
Kennedy (MN)	Portman	Terry
Kerns	Pryce (OH)	Thomas
King (NY)	Putnam	Thornberry
Kingston	Quinn	Thune
Kirk	Radanovich	Tiahrt
Knollenberg	Ramstad	Tiberi
Kolbe	Regula	Toomey
LaHood	Rehberg	Trafigant
Largent	Reynolds	Upton
Latham	Riley	Vitter
LaTourette	Rogers (KY)	Walden
Leach	Rogers (MI)	Walsh
Lewis (CA)	Rohrabacher	Wamp
Lewis (KY)	Ros-Lehtinen	Watkins (OK)
Linder	Roukema	Watts (OK)
LoBiondo	Royce	Weldon (FL)
Lucas (OK)	Ryan (WI)	Weldon (PA)
Manzullo	Ryun (KS)	Weller
McCrery	Saxton	Whitfield
McInnis	Schaffer	Wicker
McKeon	Schrock	Wilson
Mica	Sensenbrenner	Wolf
Miller, Gary	Sessions	Young (AK)
Moran (KS)	Shadeegg	Young (FL)
Morella	Shaw	

NAYS—207

Abercrombie	Edwards	Lewis (GA)
Ackerman	Engel	Lipinski
Allen	Eshoo	Lofgren
Andrews	Etheridge	Lowe
Baca	Evans	Lucas (KY)
Baird	Farr	Luther
Baldacci	Fattah	Maloney (CT)
Baldwin	Filner	Maloney (NY)
Barcia	Ford	Markey
Barrett	Frank	Mascara
Becerra	Frost	Matheson
Bentsen	Gephardt	Matsui
Berkley	Gonzalez	McCarthy (MO)
Berman	Gordon	McCarthy (NY)
Berry	Green (TX)	McCollum
Bishop	Gutierrez	McDermott
Blagojevich	Hall (OH)	McGovern
Blumenauer	Harman	McIntyre
Bonior	Hastings (FL)	McKinney
Borski	Hill	McNulty
Boswell	Hilliard	Meehan
Boucher	Hinchey	Meek (FL)
Brady (PA)	Hinojosa	Meeks (NY)
Brown (FL)	Hoeffel	Menendez
Brown (OH)	Holden	Millender
Capps	Holt	McDonald
Capuano	Honda	Miller, George
Cardin	Hooley	Mink
Carson (IN)	Hoyer	Mollohan
Carson (OK)	Inslee	Moore
Clay	Israel	Moran (VA)
Clayton	Jackson (IL)	Murtha
Clement	Jackson-Lee	Nadler
Clyburn	(TX)	Napolitano
Condit	Jefferson	Neal
Conyers	John	Oberstar
Costello	Johnson, E. B.	Obey
Coyne	Jones (OH)	Olver
Cramer	Kanjorski	Ortiz
Crowley	Kaptur	Owens
Cummings	Kennedy (RI)	Pallone
Davis (CA)	Kildee	Pascrell
Davis (FL)	Kilpatrick	Pastor
Davis (IL)	Kind (WI)	Payne
DeFazio	Klecicka	Pelosi
DeGette	Kucinich	Peterson (MN)
DeLaunt	LaFalce	Phelps
DeLauro	Lampson	Pomeroy
Deutsch	Langevin	Price (NC)
Dicks	Lantos	Rahall
Dingell	Larsen (WA)	Rangel
Doggett	Larson (CT)	Reyes
Dooley	Lee	Rivers
Doyle	Levin	Rodriguez

Roemer	Skelton	Tierney
Ross	Slaughter	Turner
Rothman	Smith (WA)	Udall (CO)
Roybal-Allard	Snyder	Udall (NM)
Rush	Solis	Velazquez
Sabo	Spratt	Visclosky
Sanchez	Stark	Waters
Sanders	Stenholm	Watson (CA)
Sandlin	Strickland	Watt (NC)
Sawyer	Stupak	Waxman
Schakowsky	Tanner	Weiner
Schiff	Tauscher	Wexler
Scott	Taylor (MS)	Woolsey
Serrano	Thompson (CA)	Wu
Sherman	Thompson (MS)	Wynn
Shows	Thurman	

NOT VOTING—8

Aderholt	Boyd	Miller (FL)
Barton	Gillmor	Towns
Blunt	McHugh	

□ 1400

Mr. PETRI changed his vote from “nay” to “yea.”

So the previous question was ordered.
The result of the vote was announced as above recorded.

NATIONAL SIMULTANEOUS
PLEDGE OF ALLEGIANCE

The SPEAKER. Pursuant to the order of the House of October 11, 2001, the Chair recognizes the gentleman from California (Mr. Cox) to lead us in the Pledge of Allegiance.

Mr. COX. Please join with me and millions of American teachers and students as we recite the Pledge of Allegiance.

Mr. COX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PROVIDING FOR CONSIDERATION
OF H.R. 2975, PATRIOT ACT OF 2001

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 208, not voting 9, as follows:

[Roll No. 384]

AYES—214

Akin	Burton	Davis, Jo Ann
Armey	Buyer	Davis, Tom
Bachus	Callahan	Deal
Baker	Calvert	DeLay
Ballenger	Camp	DeMint
Barr	Cannon	Diaz-Balart
Bartlett	Cantor	Doolittle
Bass	Capito	Dreier
Bereuter	Castle	Duncan
Biggart	Chambliss	Dunn
Bilirakis	Coble	Ehlers
Boehrlert	Collins	Ehrlich
Boehner	Combest	Emerson
Bonilla	Cooksey	English
Bono	Cox	Everett
Brady (TX)	Crane	Ferguson
Brown (SC)	Crenshaw	Flake
Bryant	Cubin	Fletcher
Burr	Culberson	Foley

Forbes	Kolbe	Ryun (KS)
Fossella	LaHood	Saxton
Frelinghuysen	Largent	Schaffer
Galleghy	Latham	Schrock
Ganske	LaTourette	Sensenbrenner
Gekas	Leach	Sessions
Gibbons	Lewis (CA)	Shadegg
Gilchrest	Lewis (KY)	Shaw
Gilman	Linder	Shays
Goode	LoBiondo	Sherwood
Goodlatte	Lucas (OK)	Shimkus
Goss	Manzullo	Shows
Graham	McCrery	Shuster
Granger	McInnis	Simmons
Graves	McKeon	Simpson
Green (WI)	Mica	Skeen
Greenwood	Miller, Gary	Smith (MI)
Grucci	Moran (KS)	Smith (NJ)
Gutknecht	Morella	Smith (TX)
Hall (TX)	Myrick	Souder
Hansen	Nethercutt	Stearns
Hart	Ney	Stump
Hastert	Northup	Sununu
Hastings (WA)	Norwood	Sweeney
Hayes	Nussle	Tancredo
Hayworth	Osborne	Tauzin
Hefley	Ose	Taylor (NC)
Herger	Otter	Terry
Hilleary	Oxley	Thomas
Hobson	Paul	Thornberry
Hoekstra	Pence	Thune
Horn	Peterson (PA)	Tiahrt
Hostettler	Pickering	Tiberi
Houghton	Pitts	Toomey
Hulshof	Platts	Trafficant
Hunter	Pombo	Upton
Hyde	Portman	Vitter
Isakson	Pryce (OH)	Walden
Issa	Putnam	Walsh
Istook	Quinn	Wamp
Jenkins	Radanovich	Watkins (OK)
Johnson (CT)	Ramstad	Watts (OK)
Johnson (IL)	Regula	Weldon (FL)
Johnson, Sam	Rehberg	Weldon (PA)
Jones (NC)	Reynolds	Weller
Keller	Riley	Whitfield
Kelly	Rogers (KY)	Wicker
Kennedy (MN)	Rogers (MI)	Wilson
Kerns	Rohrabacher	Wolf
King (NY)	Ros-Lehtinen	Young (AK)
Kingston	Roukema	Young (FL)
Kirk	Royce	
Knollenberg	Ryan (WI)	

NOES—208

Abercrombie	Davis (FL)	Jackson-Lee
Ackerman	Davis (IL)	(TX)
Allen	DeFazio	Jefferson
Andrews	DeGette	John
Baca	Delahunt	Johnson, E. B.
Baird	DeLauro	Jones (OH)
Baldacci	Deutsch	Kanjorski
Baldwin	Dicks	Kaptur
Barcia	Dingell	Kennedy (RI)
Barrett	Doggett	Kildee
Becerra	Dooley	Kilpatrick
Bentsen	Doyle	Kind (WI)
Berkley	Edwards	Kleczka
Berman	Engel	Kucinich
Berry	Eshoo	LaFalce
Bishop	Etheridge	Lampson
Blagojevich	Evans	Langevin
Blumenauer	Farr	Lantos
Bonior	Fattah	Larsen (WA)
Borski	Filner	Larson (CT)
Boswell	Ford	Lee
Boucher	Frank	Levin
Brady (PA)	Frost	Lewis (GA)
Brown (FL)	Gephardt	Lipinski
Brown (OH)	Gonzalez	Lofgren
Capps	Gordon	Lowey
Capuano	Green (TX)	Lucas (KY)
Cardin	Gutierrez	Luther
Carson (IN)	Hall (OH)	Maloney (CT)
Carson (OK)	Harman	Maloney (NY)
Chabot	Hastings (FL)	Markey
Clay	Hill	Mascara
Clayton	Hilliard	Matheson
Clement	Hinchee	Matsui
Clyburn	Hinojosa	McCarthy (MO)
Condit	Hoeffel	McCarthy (NY)
Conyers	Holden	McCollum
Costello	Holt	McDermott
Coyne	Honda	McGovern
Cramer	Hooley	McIntyre
Crowley	Hoyer	McKinney
Cummings	Inslee	McNulty
Cunningham	Israel	Meehan
Davis (CA)	Jackson (IL)	Meek (FL)

Meeks (NY)	Price (NC)	Spratt
Menendez	Rahall	Stark
Millender	Rangel	Stenholm
McDonald	Reyes	Strickland
Miller, George	Rivers	Stupak
Mink	Rodriguez	Tanner
Moore	Roemer	Tauscher
Moran (VA)	Ross	Taylor (MS)
Murtha	Rothman	Thompson (CA)
Nadler	Roybal-Allard	Thompson (MS)
Napolitano	Rush	Thurman
Neal	Sabo	Tierney
Oberstar	Sanchez	Turner
Obey	Sanders	Udall (CO)
Oliver	Sandlin	Udall (NM)
Ortiz	Sawyer	Velazquez
Owens	Schakowsky	Visclosky
Pallone	Schiff	Waters
Pascarell	Scott	Watson (CA)
Pastor	Serrano	Watt (NC)
Payne	Sherman	Waxman
Pelosi	Skelton	Weiner
Peterson (MN)	Slaughter	Wexler
Petri	Smith (WA)	Woolsey
Phelps	Snyder	Wu
Pomeroy	Solis	Wynn

NOT VOTING—9

Aderholt	Boyd	Miller (FL)
Barton	Gillmor	Mollohan
Blunt	McHugh	Towns

□ 1418

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MODIFICATION TO AMENDMENT
TO H.R. 2975, PATRIOT ACT OF 2001

Ms. WATERS. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2975, pursuant to H.Res. 264, the amendment considered as adopted pursuant to that rule be modified by striking section 1001 and renumbering the remaining section accordingly.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentlewoman from California?

There was no objection.

PATRIOT ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 264, I call up the bill (H.R. 2975) to combat terrorism, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 264, the bill is considered read for amendment.

The text of H.R. 2975 is as follows:

H. R. 2975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Provide Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act of 2001”.

SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Construction; severability.

TITLE I—INTELLIGENCE GATHERING

Subtitle A—Electronic Surveillance

- Sec. 101. Modification of authorities relating to use of pen registers and trap and trace devices.